

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
PORT OF HOUSTON AUTHORITY  
AND THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 6**

**I. Introduction**

The Memorandum of Understanding (MOU) is made between Region 6 of the United States Environmental Protection Agency (Region 6 EPA) and the Port of Houston Authority of Harris County, Texas. Region 6 EPA and the Port of Houston Authority of Harris County, Texas, a body corporate and politic under the laws of the State of Texas, hereinafter referred to as the "PHA," having its principal place of business at 111 East Loop North, Houston, Texas 77029, (sometimes also referred to as the "parties" or "party") enter this MOU to establish a cooperative relationship between governmental entities to enhance efforts in the cleanup of the San Jacinto River Waste Pits Superfund Site located in Harris County, Texas.

**II. Purpose**

Region 6 EPA placed the San Jacinto River Waste Pits Superfund Site in Harris County, Texas ("Site") on the National Priorities List of the Superfund Program on March 19, 2008. The Site, with waste ponds and surface impoundments built in the 1960s for the disposal of pulp and paper mill waste, is located in a marsh partially submerged on the western bank of the San Jacinto River in Harris County, Texas, immediately north of the Interstate Highway 10 (I-10) bridge over the San Jacinto River; and can encompass any other additional potential areas identified during the Superfund process. The primary hazardous substances documented at the Site are polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans. Dioxins and furans are "hazardous substances" as defined by Section 101 (14) of CERCLA, 42 U.S.C. §9601 (14). Fish consumption advisories for dioxin, PCBs, and organochlorine pesticides are active in this watershed. Region 6 EPA is entrusted with the duty to protect human health and the environment through timely and effective site remediation under the Superfund program. The PHA is the governmental sponsor of the Houston Ship Channel and has an interest in promoting and developing maritime commerce in the Houston-Galveston region, including maintaining the navigability of the Houston Ship Channel.

**III. Roles and Responsibilities**

Region 6 EPA and PHA have agreed that PHA may participate in Region 6 EPA's process for review and discussion of technical documents for the Site in accordance with this MOU. Pursuant to this MOU, PHA will provide comments and recommendations to Region 6 EPA, where appropriate, regarding the technical documents generated during the Superfund process for this Site, including, but not limited to, the Time Critical Removal Action and the Remedial Investigation/Feasibility Study, Remedial Design, and Remedial Action.

**SAN JACINTO SUPERFUND SITE  
ROLES OF GOVERNMENTAL ENTITIES UNDER MOU**

<b>Superfund Activities</b>	<b>EPA</b>	<b>TCEQ</b>	<b>Federal/State TRUSTEES</b>	<b>Harris County</b>	<b>Port of Houston Authority</b>
Review Draft Technical Documents	Lead	Participate	Participate	Participate	Participate
Review Draft Final Technical Documents	Lead	Participate	Participate	Participate	Participate
Review Final Technical Documents	Lead	Participate	Participate	Participate	Participate
Resolve Agencies Technical Comments (no PRPs)	Lead	Participate	Participate	Participate	Participate
Discuss Technical Comments with PRPs	Lead	Participate	Participate	No Role	Confer/Consult with EPA
Review Draft Proposed Plan	Prepare	Review	Review	Review	Review
Review Draft ROD Final ROD	Prepare Approval and Signature	Review Concurrence	Review No Role	Review No Role	Review No Role under MOU

**IV. Reservation of Rights**

Region 6 EPA and PHA both pledge in good faith to go forward with the MOU and to further the goals and purposes of this MOU. Region 6 EPA and PHA shall attempt to resolve any disputes through good faith discussions. Region 6 EPA and PHA reserve any and all rights or authority that they respectively have, including, but not limited to, legal, equitable, and administrative rights. Nothing in this MOU herein limits Region 6 EPA's decision making authority under the Comprehensive Environmental Response, Compensation and Liability Act. Nothing in this MOU limits any rights of the PHA, including the ability to take legal or administrative action as PHA may deem necessary, including, but not limited to, actions pertaining to proposed activities, remedies, or cleanup regarding the Site that may affect any PHA interests.

## **V. Modification/Duration/Termination**

This MOU shall be effective upon the date last signed below and remain in effect for the duration of the National Priorities Listing of the San Jacinto River Waste Pits Superfund Site, except that either party may terminate its participation in this MOU by providing thirty (30) days written notice to the other participant. No changes or additions shall be made to this MOU except by a written amendment executed by the parties hereto.

## **VI. Communications**

Region 6 EPA and PHA agree to reasonably coordinate with one another concerning any communication or publicity regarding the contents of this Agreement.

## **VII. Authority**

Each party represents that (i) each party has complied or shall timely comply with all applicable laws in connection with, and has taken or shall take all necessary steps to enter into, this MOU and obligate itself hereunder, (ii) each party has the authority to enter into this MOU and comply with its requirements; (iii) the individuals executing this MOU on behalf of the respective parties are authorized and empowered to bind the party on whose behalf each such individual is signing.

**[SIGNATURE PAGE FOLLOWS]**

IN WITNESS WHEREOF, the parties have executed this MOU in multiple counterparts, effective as of the date last signed below.

**REGION 6 ENVIRONMENTAL  
PROTECTION AGENCY**

By *Pamela Phillips, Acting*  
Samuel Coleman, P.E.  
Superfund Division Director  
EPA Region 6  
Date 10/05/2011

**PORT OF HOUSTON AUTHORITY OF  
HARRIS COUNTY, TEXAS**

By *Charles*  
Title V.P. - STRATEGIC PLANNING  
Date 10-26-11

**APPROVED AS TO FORM:**

*Linda Henry*  
Counsel

Authorized by Minute Number 2011-1025-24